

**REMARKS**

Claims 1-6 have been canceled. New claims 7-9 have been added. No new matter has been added. Claims 7-9 remain in the application. Reconsideration and reexamination is respectfully requested.

In paper 3, claim 1 was objected to for an informality. In addition, claim 1 was rejected under 35 U.S.C. § 112 for lack of an antecedent basis. The drawings were objected to as not showing the element of claim 1 that had no antecedent basis. Claims 1 and 5-6 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Number 6,678,794 (Talyansky *et al.*). Claims 2-4 were objected to as dependent on a rejected base claim, but allowable if rewritten in independent form, and provided the 35 U.S.C. § 112 rejections are overcome.

Applicant has canceled claims 1-6. New claims 7-9 are essentially original claims 2-4 rewritten in independent form. In addition, the informality objection, and the 35 U.S.C. § 112 rejection, have been addressed in the claims as rewritten. The feature that caused the objection to the drawings is not present in the rewritten claims.

The following comments are in regard to other art made of record by the examiner.

U.S. Patent Numbers 6,493,801, 6,542,861, 6,490,671, 6,425,057, 6,026,475, and U.S. Published Application Number 2002/0078303, do not teach or suggest measuring a rate of cache-to-cache transfers as specified in claim 7, or number of evicted entries that are accessed, as specified in claim 8, or evicting modified entries that were received in a cache-to-cache transfer, as specified in claim 9.

Entry of this amendment is respectfully requested. This application is considered to be in condition for allowance and such action is earnestly solicited.

Respectfully submitted,

by

  
Augustus W. Winfield

Reg. No. 34,046

June 9, 2004

Fort Collins, CO 80528-9599

(970)-898-3142